

ELECTRONICALLY FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,
Petitioner,
v.
APARTMENTS R US,
Respondent.

HON. DENNIS M. CAVANAH

Civil Action No. 8-cv-4828

ORDER TO SHOW CAUSE

Upon the Petition of the United States, and the Declaration of Jafer Aftab and Exhibits, including the administrative subpoena, attached thereto, and Brief, it is hereby:

ORDERED that respondent, Apartments R Us, shall appear by its manager/owner, Steven Papas, or by its counsel, before the United States District Court for the District of New Jersey in that branch thereof presided over by the Honorable DENNIS M. CAVANAH, U.S.D.J., the undersigned, in the United States Courthouse, 3 P.O. BLDG, Newark, New Jersey at 9:30 AM on the 3rd day of November, 2008, at Courtroom 4, to show cause why respondent should not be compelled to comply with the EPA administrative subpoena already served on respondent.

ORDERED that a copy of this Order, together with the petition, declaration and exhibits thereto, and brief be served on Apartments R Us by an official of the EPA or an agent thereof within ten (10) business days of the date of this Order;

ORDERED that within ten (10) business days of service of copies of the Order, the petition and exhibits thereto, and brief, respondent shall file and serve a written response to the petition. That if respondent has any defenses to present or motions to make in opposition to the petition, such defenses or motions, if any, shall be made in writing and filed with the Court, and copies served on the United States Attorney at least five (5) business days prior to the date of the show cause hearing. Only those issues raised by motion or brought into controversy by the response shall

be considered by this Court and any uncontested allegation in the petition, declaration and exhibits thereto, shall be deemed admitted, and any uncontested legal argument in the brief, shall be deemed unopposed and any defense waived;

ORDERED that if respondent has no objection to compliance with the subpoena, respondent may, at least five (5) business days prior to the date of the show cause hearing, notify the clerk of this Court, in writing, with copies to the United States Attorney, of the fact that no response or appearance as ordered herein will be required;

FURTHER ORDERED that should respondent not fully comply with the administrative subpoena within ten (10) business days of the Show Cause hearing date, respondent, Apartments R Us, shall appear by its manager/owner, Steven Papas, before the Hon. *Dennis M. Cavanaugh*, U.S.D.J., at the Courtroom above at 9:30 A.m., on November 19, 2008, to show cause why respondent should not be adjudged guilty of civil contempt of Court for failure to obey its lawful Order herein, pursuant to a petition by the United States after repeated failures by respondent to comply with the administrative subpoena;

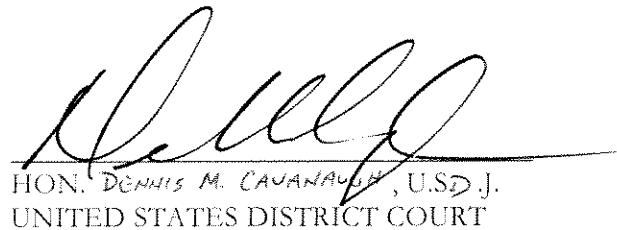
FURTHER ORDERED that should respondent fail to fully comply with the Order of this Court within five (5) business days thereafter, the United States Marshal is hereby directed to arrest and bring respondent's manager/owner, Steven Papas, before this Court to answer for respondent's failure to comply with the terms of the Order.

FURTHER ORDERED that should respondent fail to fully comply with the Order of the Court, within five (5) business days thereafter, respondent's manager/owner, Steven Papas, shall be confined until further Order of this Court, and this Court authorizes the EPA to enter, applying reasonable force therefor, if necessary, the Apartments R Us premises at 686 Bergen Avenue, Jersey City, New Jersey to conduct its administrative inspection.

FURTHER ORDERED that upon completion of this administrative inspection, the responsible officer of the EPA shall report to this Court in writing within a reasonable period of

time after the administrative inspection, and if further relief is required of this Court, the responsible officer in consultation with the Assistant United States Attorney shall submit a letter therefor.

Entered this 1st day of OCTOBER, 2008.



HON. DENNIS M. CAUANAUGH, U.S.D.J.
UNITED STATES DISTRICT COURT

DATED: OCT. 1, 2008